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People's Republic of China -Tibet Autonomous Region: A year of escalating human rights violations

10 March 2009 marks the 50th anniversary of the failed Tibetan uprising in 1959, which led to the Dalai Lama fleeing to India.

Last year, the anniversary saw a wave of largely peaceful protests in the Tibet Autonomous Region (TAR) and Tibetan-populated areas in neighbouring provinces. The Chinese authorities reported that during the 2008 protests, 21 people were killed by violent protestors while Tibetan sources say that over 100 Tibetans were killed. Amnesty International issued a report in June 2008 urging the Chinese authorities to open the region to independent human rights experts and journalists so that discrepancies in reports could be confirmed.

According to the United States' Congressional-Executive Commission on China, more than 1,000 people who were detained for the protests of March 2008 remain unaccounted for.¹

Overseas Tibetan organizations have documented between 130-200 individual protests since March 2008. The continued lock-down in Tibet has made independent verification of reports difficult but confirmed reports of human rights violations are sufficient to warrant an independent investigation.

The Chinese authorities failure to address the long-standing grievances of the Tibetan people, including unequal employment and educational opportunities, scores of Tibetans detained and the intensification of the "patriotic education"² campaign, have fuelled continued protests over the past 12 months. In addition to monks and nuns, laypeople and nomads have been taking part in these popular protests which have taken place across Tibetan-populated areas. Reports of Tibetan protests are matched by those of tightened security measures, especially over the recent weeks leading up to sensitive anniversaries in March. Some observers have interpreted the measures which include the removal of monks and nuns from monasteries, an increasing presence of People's Armed Police and a "Strike Hard Campaign", as acts of provocation.

This year the regional authorities have named 28 March 'Serf Emancipation Day' to mark 50 years since the establishment of TAR under Chinese Communist Party rule and to "strengthen Tibetans patriotism and expose the Dalai Lama clique".³ The regional authorities, interviewed by Radio Free Asia, have acknowledged that Tibetans are reluctant to mark the day – yet the authorities are trying to force festive celebrations.⁴

Human rights organizations, including Amnesty International, continue to receive reports of human rights violations in the region. The volume and consistency of such reports makes them credible even though the

¹ 'Officials report release of more than 3,000 of the more than 4,000 detained Tibetan "rioters"', Congressional-Executive Commission on China, 9 July 2008, available at <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=107985>.

² "Patriotic education" is conducted in the monasteries, in government offices, schools and work units, and among the general public. "Patriotic education" entails denunciation of the Dalai Lama and subjects participants to Chinese authorities propaganda.

³ 'Tibet to propose setting of "Serfs Emancipation Day"', Xinhua, 16 January 2009, available at http://news.xinhuanet.com/english/2009-01/16/content_10666583.htm

⁴ 'Tibetans plan "subdued" new year', Radio Free Asia, 16 January 2009.

lack of access makes them difficult to independently verify.

Individuals imprisoned

According to official reports, 76 people have been sentenced in connection with the unrest in Spring 2008. Those convicted have received sentences ranging from three years fixed term imprisonment to life imprisonment. Most of them have been sentenced for crimes described as “arson, looting, picking quarrels and provoking troubles, assembling a crowd to storm state organs, disrupting public service, and theft”.⁵ Amnesty International has documented a pattern of unfair trials, including a failure on the part of the Chinese authorities to distinguish between individuals engaged in peaceful protests and those perpetrating criminal acts.

At least seven people have been sentenced for “espionage” or “unlawfully providing ‘intelligence’ to an organization or individual outside of China” in Lhasa (Chinese: Lasa), capital of the TAR. One of them is Wangdu, a 41 year old former political prisoner and an HIV/AIDS activist. According to the Lhasa Evening News, he received a life sentence for “espionage”. Before he was sentenced on 7 November 2008, he was last heard of on 14 March 2008. At the time, Wangdu worked for an Australian medical research and public health organization.⁶

A group of lawyers from across China, who signed an open letter volunteering to defend Tibetans detained in connection with the unrest in Spring 2008, were warned by the authorities not to take up such cases. One of them, Teng Biao, had his lawyers’ licence revoked in May 2008 (in China, lawyers’ licences are subject to standard annual renewal⁷). According to official Chinese media, at least the first 30 Tibetans who were sentenced in connection with the unrest were represented by government appointed lawyers.⁸ Some of the signatories to the open letter have questioned if the defendants received adequate legal assistance before and during their trial.

According to official statistics, the Chinese authorities have released 3,027 of the 4,434 detained in March 2008. Testimonies of those released, collected by the International Campaign for Tibet and the Tibetan Centre for Human Rights and Democracy, tell a bleak story of torture and ill-treatment of Tibetan detainees. Prison conditions can be desperate, including beatings, refusal of medical treatment, and inadequate food and drink. Because of overcrowding in detention centres and prisons, some detainees were held in unofficial places of detention.⁹

One of those who have spoken out is Jigme Guri (also known as Jigme Gyatso), a 42 year old monk from Labrang monastery in Sangchu count (Chinese: Xiahe), Kanlho TAP (Chinese: Gannan), Gansu province. On 22 March 2008, four men in plainclothes dragged him into a white van while he was having his shoe mended at a local market and took him to a guesthouse run by the People’s Armed Police. After a few days he was moved to another location where he was interrogated for about a month.¹⁰ He later recorded a video testimony of his ordeal. On the video he says that the authorities:

“would hang me up for several hours with my hands tied to a rope..... hanging from the ceiling and my feet above the ground. Then they would beat me on my face, chest, and back, with the full force of their fists. On one occasion, I lost consciousness and was taken to a hospital. After I regained consciousness at the hospital, I was once again taken back to prison where they continued the practice of hanging me from the ceiling and beating me. On another occasion, I was unconscious for six days at the hospital, unable to open my eyes or speak a word.”

The video testimony was broadcast by the Voice of America on 3 September 2008 after which Jigme Guri went into hiding. However, the People’s Armed Police reportedly detained him again on 4 November 2008,

⁵ ‘China sentences 76 over Tibet riots’, the Guardian, 11 February.

⁶ ‘Lhasa court sentences Tibetans for sharing information with “The Dalai Clique”’, Congressional-Executive Commission on China, 22 January 2009.

⁷ ‘Lawyers who volunteered to defend Tibetans lose licenses’, the International Herald Tribune, 3 June 2008

⁸ ‘Chinese court sentence 30 to prison in Lhasa rioting’, the Washington Post, 30 April 2008.

⁹ See for example ‘A briefing paper to the Committee Against Torture’ by the Tibetan Centre for Human Rights and Democracy, 29 October 2008, and ‘Submission to the Committee Against Torture’ by the International Campaign for Tibet, September 2008. Both documents are available on the Committee Against Torture website at <http://www2.ohchr.org/english/bodies/cat/cats41.htm>.

¹⁰ Jigme Guri’s video testimony and an English transcript are available online at <http://www.highpeakspurearth.com/2008/09/voa-video-testimony-of-labrang-monk.html>.

without giving any reason.¹¹ Amnesty International fears that he is at risk of torture and other ill-treatment.

Overseas Tibetan organizations have reported on individuals who have died as a result of torture while in custody. They include Nechung, a 38 year old mother of four, who was detained on 18 March 2008 after she had taken part in protests the previous day in Ngaba county (Chinese: Aba), Ngaba Tibetan Autonomous Prefecture (TAP), Sichuan province. After nine days she was released to her family. She was unable to speak or eat without vomiting, had bruises on her body and difficulties breathing. Her family tried to get her admitted to a hospital but they were reportedly turned down. Unable to obtain medical care, Nechung died on 17 April. Monks were prevented from performing death rites for her.¹²

Current human rights situation in Tibetan populated areas

The International Campaign for Tibet has compiled a list of over 600 people who have been detained for peacefully exercising their human rights or for taking part in protests that have continued throughout the past 12 months. Many are said to have been arbitrarily detained in raids on their homes in the middle of night. Others are held for prolonged periods without access to their family or legal assistance and without official confirmation about their legal status or whereabouts. Some of the over 600 are believed to have been released, although there is no confirmation of their current status.¹³

Those targeted in the crackdown include not only monks and nuns and other protestors but also pop stars, artists and writers who try to preserve Tibetan culture. The human rights violations in Tibetan-populated areas include arbitrary arrests, prolonged detention and imprisonment of peaceful protestors and other prisoners of conscience, torture and other ill-treatment, violations of freedom of expression, association and assembly, and of Tibetan people's right to maintain their culture, language and religion.

An independent Tibetan filmmaker Dhondup Wangchen worked on a documentary about the Tibetan's views of their daily struggle and the Dalai Lama. He says, "at a time of great difficulty and a feeling of helplessness, it is for us to show such a film to get some meaningful response and results. It is very difficult [for Tibetans] to get to Beijing and speak out there." He began filming in October 2007, interviewed 108 people and shot over 35 hours of footage.

Dhondup Wangchen, 34, was detained on 23 March 2008 in Silung (Chinese: Xining), capital of Qinghai province. He was last heard from on 13 July when he phoned his cousin in Switzerland, giving details about the torture he was subjected to during the interrogations. The authorities continue to hold him even though to date, his family has not received any official notification of his whereabouts or any charges brought against him. The world premier of the film, *Leaving Fear Behind*, in Beijing just days before the beginning of the Olympic Games, was interrupted and closed down by security forces.¹⁴

On-going protests and continued crackdown

On 27 February 2009, the People's Armed Police reportedly shot a 24 year old Tibetan monk who set himself on fire. He was holding a homemade Tibetan flag with a picture of the Dalai Lama at the time. The incident took place in Ngaba county (Chinese: Aba), Ngaba Tibetan Autonomous Prefecture (TAP), Sichuan province, after the local authorities dispersed a group of hundreds of monks who had gathered to observe a prayer ceremony. The authorities had earlier demanded cancellation of the ceremony which is part of the celebrations for the Tibetan New Year, Losar.¹⁵ The official Chinese news agency, Xinhua, confirmed that a protest took place and that a monk was taken to a hospital to be treated for burn injuries.¹⁶ The Chinese authorities later denied the shooting, adding that the monk was in stable condition.¹⁷

¹¹ 'Labrang monk official who spoke out seized from monastery as detentions continue across Tibet', the International Campaign for Tibet, 18 November 2008.

¹² See for example 'A briefing paper to the Committee Against Torture' by the Tibetan Centre for Human Rights and Democracy, 29 October 2008, and 'Submission to the Committee Against Torture' by the International Campaign for Tibet, September 2008. Both documents are available on the Committee Against Torture website at <http://www2.ohchr.org/english/bodies/cat/cats41.htm>.

¹³ Personal details of the detainees and the circumstances surrounding their detention are accessible through the International Campaign for Tibet website www.savetibet.org from 9 March 2009 onwards.

¹⁴ A trailer for 'Leaving fear behind' and information about its upcoming screenings are available online at <http://www.leavingfearbehind.com/>.

¹⁵ 'Monk in Tibet sets himself on fire; shot by police during protest', International Campaign for Tibet, 27 February 2009.

¹⁶ 'China confirms monk immolation in Tibetan town: Xinhua', Agence France-Presse, 28 February 2009.

¹⁷ 'China denies shooting Tibet monk: state media', Agence France-Presse, 2 March 2009.

This protest is one of the latest examples of the on-going repression in the Tibet Autonomous Region and other Tibetan populated areas in neighbouring provinces. Over recent weeks, the Chinese authorities have further tightened the already heavy security measures and threatened to “crush” any demonstrations of support for the Dalai Lama. Yet, popular Tibetan protests have continued across the region. These have been fuelled by human rights violations and the on-going crackdown by the authorities.

There is a real danger that if the Chinese authorities do not adopt an approach based on respect for freedom of expression and for the distinct culture and traditions of the Tibetan population, the protests could escalate. The authorities should exercise restraint in their response to peaceful protests and only use force when absolutely necessary and then in a proportionate way.

Other recent examples of unrest include the protest on 15-16 February 2009 in Lithang county, Sichuan Province, where crowds gathered on the county's main vegetable market shouting “No Losar this year!” and “Long live the Dalai Lama!” According to overseas Tibetan organizations, the police detained between 21-24 people who took part in the protests and imposed a curfew in Lithang.¹⁸

Losar fell on 25 February. This year, in response to the intensified crackdown, many Tibetans chose not to celebrate Losar but instead dedicated the two-week long festival to commemorate those detained, disappeared or killed in the protests since last March.

In Mangra county (Chinese: Guinan), Tsholho TAP (Chinese: Hainan), Qinghai province, approximately 100 monks from Lutsang monastery organized a candlelight vigil on 25 February in memory of the people killed in the unrest in Spring 2008. According to the International Campaign for Tibet, the monks were demanding the Chinese central government “recognize the will of the Tibetan people” and called for the return of the Dalai Lama. The People's Armed Police quickly surrounded the monastery and gave the organizers of the vigil 48 hours to surrender. They also reportedly told the monks that anyone who was found to be in possession of a picture of the Dalai Lama would be expelled from the monastery.¹⁹

The Chinese authorities maintain that the protests last year were orchestrated by the Dalai Lama. A week before Losar, the Tibet Daily, an official newspaper, reported that a meeting between regional leaders had called: “on the party, government, military, police and public in all areas... to firmly crush the savage aggression of the Dalai clique, defeat separatism and wage people's war to maintain stability”²⁰ The same issue of the Tibet Daily included an article, attributed to a regional Chinese Communist Party leader, warning the clergy against taking part in “illegal marches, demonstrations and other activities that disrupt social order.”²¹

On 18 January, despite the already tight security measures, the Chinese authorities launched a ‘Winter Strike Hard Unified Checking Campaign’ in Lhasa. The campaign aimed to “vigorously uphold the city's social order and stability”, targeted in particular at those who are not permanent Lhasa residents. According to the Lhasa Evening News, in the first three days of the campaign, the police had “thoroughly checked” nearly 6,000 people in residential blocks, rented accommodations, hotels, guesthouses, internet cafes and bars.²² By 24 January, the police had detained 81 suspects, including two for having “reactionary songs and opinions” on their mobile phones.²³

Access still denied

The Chinese authorities have kept access to Tibetan populated areas tightly restricted, raising fears that reports of human rights violations that reach the outside world represent just a fraction of the whole.

¹⁸ ‘Clash Over Tibet Has County in Lockdown’, the Washington Post, 18 February 2009. The Free Tibet has reported that 24 people were detained in protest in Lithang county (‘Hundreds of Tibetans protest over two days in restive Lithang county’, the Free Tibet, 17 February 2009.) According to the Tibetan Centre for Human Rights and Democracy, 21 people were detained (‘More cases of detention and disappearance emerge after Lithang Protest’, the Tibetan Centre for Human Rights and Democracy, 17 February 2009.) Amnesty International has not been able to independently verify these figures.

¹⁹ ‘Authorities surround monastery; issue 48 hour ultimatum for organizers to “surrender” after latest protest in Tibet’, the International Campaign for Tibet, 27 February 2009.

²⁰ ‘China issues call to crush Tibetan “separatists”’, Agence France-Presse, 19 February 2009.

²¹ ‘Tibetans warned over anniversary’, Associated Press, 20 February 2009.

²² ‘Winter strike hard unified checking campaign progresses steadily’, Lhasa Evening News, 23 January 2009, available at http://www.lasa-eveningnews.com.cn/epaper/uniflows/03/20090123/03_26.htm. The International Campaign for Tibet has translated the article in to English, available at <http://www.savetibet.org/media-center/inside-tibet-reports/authorities-launch-strike-hard-campaign-heightening-lhasa-tension>.

²³ ‘China detains 81 people in Tibet’, Associated Press, 28 February 2009.

Foreign journalists have previously needed to obtain a special permit to travel to the TAR. However, in the wake of the unrest in Spring 2008, they have been allowed to visit the TAR on government organized group tours. In February 2009, the International Campaign for Tibet reported that in addition to the TAR, many counties in Tibetan areas of neighbouring provinces were also closed to foreign journalists and tourists and would remain so until the end of March.²⁴

The Chinese authorities have also turned down as “inconvenient” requests for visits to the TAR by several UN human rights experts, including the High Commissioner for Human Rights.²⁵ During China’s Universal Periodic Review by the UN Human Rights Council in February 2009, China “categorically rejected” expressions of concern over reports of harassment, arbitrary arrests, punishment and detention of religious and ethnic minorities, including Tibetans. China also “categorically rejected” recommendations that the authorities strengthen the protection of ethnic minorities’ religious, civil, socio-economic and political rights as ill-founded attempts to “politicise the issue”.²⁶

On 2 March 2009, the Chinese authorities launched a white paper on “50 years of democratic reform in Tibet” in which they say that “at present, Tibet is in its best period of historical development with rapid economic and social progress, cultural prosperity, improved living conditions, national unity, good government and harmonious people.” The paper accuses “Western anti-China forces” of training “the Dalai Lama clique” and supporting “separatist forces” that try to restrain and split China.²⁷

These signal a worrying trend by the authorities to turn inwards and frame the protests as isolated criminal incidents and a failure to acknowledge the scale and strength of grievances held by the Tibetan people across the region.

Recommendations to the Chinese Government:

- allow access to UN human rights experts and other independent observers to investigate the human rights situation in the TAR and in Tibetan populated areas in neighbouring provinces;
- conduct a prompt and impartial investigation into the allegations of torture and other ill-treatment of Tibetan detainees, with a view to bringing those responsible to justice;
- conduct a prompt and impartial investigation into the deaths of individuals detained in official custody over the last year;
- immediately and unconditionally release all those detained solely for peacefully exercising their rights to freedom of expression, association and assembly;
- ensure that all detainees have prompt access to lawyers, members of their family and any medical treatment they may require;
- ensure that all detainees suspected of acts of violence are charged with recognizable criminal offences and remanded by an independent court or else released as required by the International Covenant on Civil and Political Rights which China has signed;
- account for all those who have been killed, injured or gone missing, and for all those detained, including their names, whereabouts, and any charges against them;
- when restoring order and protecting individuals and property, use force only when necessary and in a proportionate way;
- respect the rights of Tibetan people to enjoy their own culture, language and religion.

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Public Document

For more information or interview requests please call Tom Mackey in Amnesty International's press office in London, UK, on +44 20 7413 5810 or email: tom.mackey@amnesty.org

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK www.amnesty.org

²⁴ 'China official: Tibetan areas closed to foreigners', the International Campaign for Tibet, 12 February 2009.

²⁵ 'China rejects bid by UN rights boss for April visit', Reuters, 10 April 2008.

²⁶ 'Draft report of the working group on the Universal Periodic Review', UN Human Rights Council (UN Reference: A/HRC/WG.6/4/L.11), 11 February 2009.

²⁷ 'Fifty years of democratic reform in Tibet [full text]', the China Daily, 2 March 2009, available at http://www.chinadaily.com.cn/china/2009-03/02/content_7527376.htm.

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